

REMARKS

Claims 1, 3, 4, 7-12 and 14-16 are pending in this application. By this Amendment, claim 12 is amended. No new matter is added by this amendment. A Terminal Disclaimer is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) satisfy a requirement of form asserted in the previous Office Action; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action, in paragraph 1, objects to claim 12 for informalities. Claim 12 is amended to obviate this objection. Withdrawal of the objection of claim 12 for informalities is respectfully requested.

The Office Action, in paragraph 3, provisionally rejects claims 1, 3, 4, 7-12 and 14-16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending U.S. Patent Application No. 10/508,656. The attached Terminal Disclaimer is filed to obviate this rejection. Accordingly, reconsideration and withdrawal of the rejection of claims 1, 3, 4, 7-12 and 14-16 on the ground of nonstatutory obviousness-type double patenting over U.S. Patent Application No. 10/508,656 are respectfully requested.

The Office Action, in paragraph 4, provisionally rejects claims 1, 3, 4, 7-12 and 14-16 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-16 of co-pending U.S. Patent Application No. 10/537,765. In accordance with MPEP §1490, Applicants respectfully request withdrawal of the provisional rejection on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-16 of co-pending U.S. Patent Application No. 10/537,765. Application No. 10/537,765 was later filed than the pending application, and the rejection on the ground of nonstatutory obviousness-type double patenting is the only rejection remaining in the pending earlier-filed application.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 4, 7-12 and 14-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:KDB/jam

Attachment:
Terminal Disclaimer

Date: March 21, 2007

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